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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/896,870	06/28/2001	Victor Tzar Kuoi Li	39475-0008	1024
23562	7590	08/05/2005	EXAMINER	
BAKER & MCKENZIE PATENT DEPARTMENT 2001 ROSS AVENUE SUITE 2300 DALLAS, TX 75201			YANG, LINA	
			ART UNIT	PAPER NUMBER
			2665	

DATE MAILED: 08/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/896,870

Applicant(s)

LI, VICTOR TZAR KUOI

Examiner

Lina Yang

Art Unit

2665

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12/27/2001 & 6/28/2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 11/13/2002
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: "...the host units 170" on line 1 of page 6 should be changed to "...the host units 160".

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-2, 5, 8-11, 13-15, 24-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Gardner (U.S. Patent No. 6,854,059 B2).

Regarding claim 1, Gardner discloses a system for providing communications network access via an electrical network of a building (fig. 1 and the corresponding text

description: col. 2 lines 35-52), comprising: a host unit (unit 126 in fig. 1) disposed inside the building and having a first interface and a second interface, the first interface being coupled to the communications network (124 in fig. 1), the second interface being coupled to a electrical socket of the building (104 in fig. 1), the electrical socket being coupled to the electrical network of the building; and a subscriber unit (108 in fig. 1) disposed inside the building and having a first interface that is coupled to the electrical network , wherein the subscriber unit is in communications with the communications network via the electrical network.

Regarding claim 2, Gardner further discloses the communications network is an internet or a telecommunications network (124 in fig. 1).

Regarding claim 5, Gardner further discloses the second interface of the host unit is plugged into the electrical socket (104 in fig. 1).

Regarding claim 8, Gardner further discloses the first interface of the subscriber unit is plugged into a second electrical socket of the building (the interface of 108 in fig. 1).

Regarding claim 9, Gardner further discloses the subscriber unit (108 in fig. 1) is in communications with the communications network (124 in fig. 1) via the first interface of the subscriber unit (electrical socket), the electrical network (104) and the

host unit (126) (fig. 1, 108 communicates with 124 through it's electrical socket, 126 via 104; col. 2 lines 35-52).

Regarding claim 10, Gardner further discloses a computer (108 in fig. 1) coupled to a second interface of the subscriber unit, wherein the computer is in communications with the communications network via the electrical network of the building (col. 2 lines 35-52).

Regarding claim 11, Gardner further discloses a first subscriber unit (laptop 108 in fig. 1) and a second subscriber unit (personal computer 106 in fig. 1), the first subscriber unit being coupled to the electrical network at a first part of the electrical network, the second subscriber unit being coupled to the electrical network at a second part of the electrical network, and wherein the first subscriber unit is in communications with the second subscriber unit via the electrical network (fig. 1; col. 2 lines 35-52).

Regarding claim 13, Gardner further teaches that the first subscriber unit (108 in fig. 1) is in communications with the communications network via the electrical network and the host unit passes data packets between the communications network and the first subscriber unit (fig. 1; and col. 2 lines 35-52).

Regarding claim 14, Gardner further teaches that the communications network is an internet or telecommunications network (fig. 1, 124).

Regarding claim 15, Gardner further teaches that the building (home) is a multi-level building, and wherein the subscriber unit is a plurality of subscriber units disposed through the multi-level building ("a modern homes" col. 1 line 22; can inherently be a multi-level building).

Regarding claim 24, Gardner teaches a method for providing communications network access over an electrical network of a building, comprising the steps of: (a) plugging a host unit (126 in fig. 1) to a first electrical socket of the building (fig. 1); (b) coupling the first electrical socket of the building to the electrical network of the building (fig. 1); (c) coupling a subscriber unit (108 in fig. 1) to the electrical network of the building; (d) coupling the host unit (126) to a communications network (124 in fig. 1) and; and (e) passing information between the communications network and the first subscriber unit via the electrical network of the building (fig. 1 and col. 2 lines 35-52).

Regarding claim 25, Gardner further teaches that the step (e) includes the step of passing information, via the host unit, between the communications network and the first subscriber unit via the electrical network of the building (fig. 1 and col. 2 lines 35-52).

Regarding claim 26, Gardner further teaches the step (c) includes the step of plugging the subscriber unit into a second electrical socket that is coupled to the electrical network (108 in fig. 1).

Regarding claim 27, Gardner further teaches (f) coupling another subscriber unit (106 in fig. 1) to the electrical network of the building (fig. 1; and col. 2 lines 35-52) and (g) passing information under control of the host unit (126) between the subscriber unit (106) of step (f) and the subscriber unit (108) of step (c) in claim 24 via the electrical network (fig. 1; and col. 2 lines 35-52).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 16-22 are rejected under 35 USC 103(a) as being unpatentable over Gardner (U.S. Patent No. 6,854,059 B2).

Regarding claim 16, Gardner teaches a system for accessing an internet via an electrical network of a building, comprising: a host unit (126 in fig. 1) disposed in a building (home), the host unit being plugged into the electrical network via an electrical

socket and being coupled to the internet via a high-speed connection; and a first subscriber unit (108 in fig. 1) disposed in the building, the first subscriber unit being coupled to the electrical network via an electrical interface (socket), wherein the host unit passes packets of information between the first subscriber unit and the internet via the electrical network (fig. 1 and col. 2 lines 35-52).

Gardner differs from the claimed invention in that Gardner does not specifically specify that the host unit is disposed in *a first building unit* of the building and a first subscriber unit is disposed in *a second building unit* of the building. However, Gardner teaches that the power line outlets in the power line network are in every room ("building unit") of a modern home ("building") (col. 2 line 53-54). Therefore, it is obvious for one of ordinary skill in the art to see the elements (such as 126, 108, 106 et al.) in fig. 1 of Gardner can be potentially in any room of the modern home. Therefore, it would have been obvious for one of ordinary skill in the art at the time when the invention was made to include the host unit (126 in fig. 1) disposed in *a first building unit* (room 1) of the building (home) and a first subscriber unit (108 in fig. 1) disposed in *a second building unit* (room 2) of the building (home) in order to provide more flexibilities in terms of user locations.

Regarding claim 17, Gardner further teaches that the first subscriber unit is plugged into the electrical network via an electrical socket of the second building unit (room 2) (108 in fig. 1).

Regarding claim 18, Gardner further teaches that the system further comprising: a second subscriber unit (106 in fig. 1) disposed in a third building unit (room 3) of the building, the second subscriber unit being coupled to the electrical network via an electrical interface of the third building unit (room 3), wherein the host unit (126 in fig. 1) passes packets of information between the first subscriber unit (108 in fig. 1) and the second subscriber unit (106 in fig. 1) via the electrical network (fig.1 and col. 2 lines 35-52).

Regarding claim 19, Gardner further teaches that the building (home) is a multi-floor building, and wherein the first subscriber unit (108 in fig. 1) and the second subscriber unit (106 in fig. 1) are on different floors (fig. 1; different rooms can be located in different floors).

Regarding claims 20 and 21, Gardner teaches a system for providing communications network access transparently over an electrical network of a building home), comprising: a host units (126 in fig. 1) disposed inside the building, the host unit having a first interface and a second interface, the first interface being coupled to the communications network, the second interface being coupled to a respective electrical socket of the building, the respective electrical sockets being coupled to the electrical network of the building (home); and one or more subscribers unit (108 and 106 in fig. 1) disposed inside the building, each subscriber unit having a first interface that is coupled to the electrical network (outlet or socket), wherein each subscriber unit is in

communications with the communications network via the electrical network (fig. 1 and col. 2 lines 35-52).

Gardner differs from the claimed invention in that Gardner does not specifically specify that there are *two or more host units* in the system. It would have been obvious to one having ordinary skill in the art at the time the invention was made to include more than one host unit in the network, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. V. Bemis Co.*, 193 USPQ 8. In addition, it would have been obvious to have two or more host units in the system to increase the data transfer speed, when the high demand of traffic arises with increased number of users.

Regarding claim 22, Gardner further teaches that the system is used for apartment-based high speed communications over the electrical network of a multi-level building (modern home with multi-level or multi-floor).

4. Claims 3, 4 are rejected under 35 USC 103(a) as being unpatentable over Gardner (U.S. Patent No. 6,854,059 B2) in view of Rickard et al. (U.S. Patent No. 5,977,650).

Regarding claims 3 and 4, Gardner differs from the claimed invention in that Gardner does not specifically teaches that the second interface of the host unit includes a single-phase-plus-neutral/ a three-phase-plus-neutral electrical interface. However, it's well known in the art that a typical power line can be either a single-phase or a three-

phase power line. For example, Rickard discloses that subscriber promises may receive a single- phase or a three-phase power line (col. 4 lines 36-38). Therefore, it would have been obvious for one of ordinary skill in the art at the time when the invention was made to include using a single- phase-plus-neutral or a three-phase-plus-neutral electrical interface for the second interface of the host unit as taught by Rickard in the assembly of Gardner to accommodate subscriber promises.

5. Claims 6, 7 are rejected under 35 USC 103(a) as being unpatentable over Gardner (U.S. Patent No. 6,854,059 B2) in view of Terry (U.S. Patent Application No. 20010036199 A1).

Regarding claims 6 and 7, Gardner differs from the claimed invention in that Gardner does not specifically teaches that the first interface of the host unit includes at least one of a multimode fiber interface, a single-mode fiber interface, a universal serial bus (USB) interface and an Ethernet interface. However, it's well known in the art that a modem (the host unit in Gardner) can have an Ethernet, such as 10BaseT, interface. For example, Rickard discloses that a modem has an Ethernet, such as 10BaseT interface ([0010]). Therefore, it would have been obvious for one of ordinary skill in the art at the time when the invention was made to include Ethernet 10BaseT as the first interface of the host unit as taught by Terry in the assembly of Gardner in order to communicate with the popular Ethernet communication networks.

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6. Claims 12 is rejected under 35 USC 103(a) as being unpatentable over Gardner (U.S. Patent No. 6,854,059 B2) in view of Pitsoulakis (U.S. Patent Application No. 20030035471 A1).

Regarding claim 12, Gardner differs from the claimed invention in that Gardner does not specifically teaches the host unit passes data packets between the first subscriber unit and the second subscriber unit. However, it's well known in the art that a modem (the host unit in Gardner) can have couple multi-functions into it, such as functions of a gateway, router and Ethernet hub. For example, Pitsoulakis discloses an integrated access device: a DSL modem combining functions of a gateway, router and Ethernet hub (the abstract). A gateway, router and Ethernet hub are inherently provide direct data packets transfer within a network. Therefore, it would have been obvious for one of ordinary skill in the art at the time when the invention was made to include the host unit passes data packets between the first subscriber unit and the second subscriber unit as taught by Pitsoulakis in the assembly of Gardner in order to provide data transfer within a local network.

7. Claim 23 is rejected under 35 USC 103(a) as being unpatentable over Gardner (U.S. Patent No. 6,854,059 B2) in view of Karadogan et al. (U.S. Patent No. 6,892,229).

Regarding claim 23, Gardner differs from the claimed invention in that Gardner does not specifically teaches the first interface of each host unit is coupled to the communications network via a connection device. However, it is well known in the art

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that if a modem (126 in fig. 1), such as a cable modem is been used, it will connect to the communications network, such as internet, through a connection device-cable modem termination system (CMTS). For example, Karadogan teaches that a CMTS is an intermediary between a number of cable modems connected over the HFC communications medium and a data network such as the Internet (col. 2 lines 6-11). Therefore, it would have been obvious for one of ordinary skill in the art at the time when the invention was made to include the first interface of each host unit is coupled to the communications network via a connection device as taught by Karadogan in the assembly of Gardner in order to provide connection with a communication network.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lina Yang whose telephone number is (571) 272-3151. The examiner can normally be reached on 7:30am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on (571) 272-3155. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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